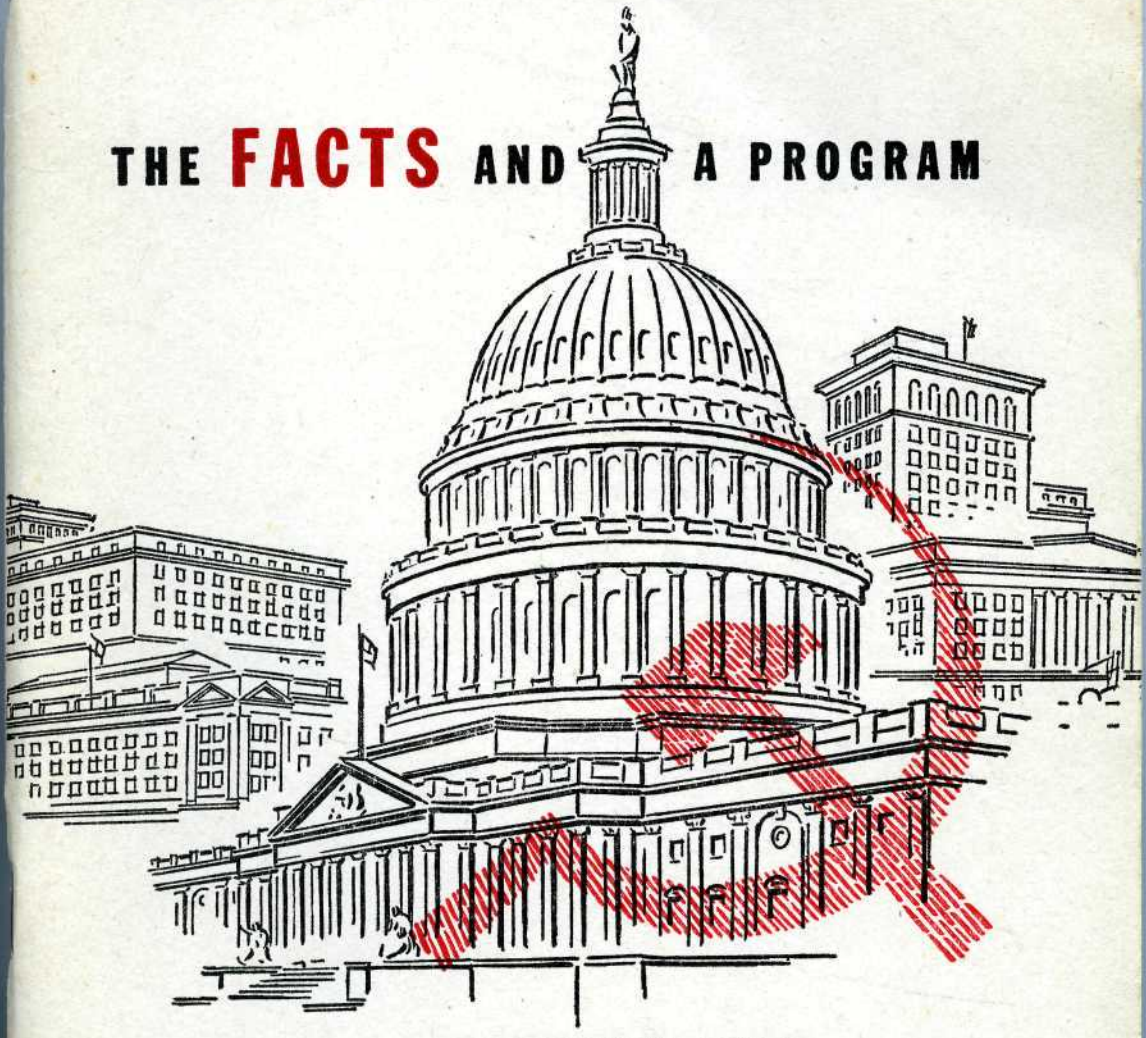
COMMUNISTS WITHIN THE GOVERNMENT

THE FACTS AND A PROGRAM



CHAMBER OF COMMERCE OF THE UNITED STATES
WASHINGTON 6, D. C. 1947

. . . it is inconceivable that the Soviet Republic should continue for a long period side by side with imperialist states. Ultimately one or the other must conquer—STALIN.

★ ★ ★

. . . the Communist Party of America is one of the few Communist Parties in the world upon which history has placed tasks of decisive importance from the point of view of the international revolutionary movement . . . the moment is not far off when a revolutionary crisis will be unleashed in America; when that revolutionary crisis comes . . . it will mark the beginning of the end of world capitalism. The Communist Party of the United States must be aimed to be able to meet that historical moment and to head the forthcoming class combats—STALIN.

★ ★ ★

PHYSICIANS say that at the beginning the disease is easy to cure and hard to diagnose, but if it is not diagnosed and treated at the beginning . . . it grows easy to diagnose and hard to cure—MACHIAVELLI in THE PRINCE.

★ ★ ★

BREATHES there the man, with soul so dead,
Who never to himself hath said,
This is my own, my native land!
Whose heart hath ne'er within him burn'd
As home his footsteps he hath turn'd,
From wandering on a foreign strand?
If such there breathe, go, mark him well;
For him no minstrel raptures swell;
High though his titles, proud his name,
Boundless his wealth as wish can claim,—
Despite those titles, power, and pelf,
The wretch, concentred all in self,
Living, shall forfeit fair renown,
And, doubly dying, shall go down
To the vile dust, from whence he sprung,
Unwept, unhonour'd, and unsung.—SCOTT.

COMMUNISTS

WITHIN THE GOVERNMENT

THE FACTS AND A PROGRAM

Report of
Committee on Socialism and Communism
Approved by the Board of Directors
January, 1947

CHAMBER OF COMMERCE OF THE UNITED STATES
WASHINGTON 6, D. C.

PREFACE

IN THE preparation of this report, qualified experts in the field of government who have had years of experience with the problem of infiltration by subversive elements have been consulted. The results, based upon careful research, are presented to the American people with the hope that our security and well-being will be preserved.

Since the issue of substantial government penetration by agents of a foreign power is comparatively new in the history of our country, we have taken the initiative to pose the problem in the hope that it may provide suggestions for sound remedial measures.

But, before analyzing the problem, we want to emphasize that what we say about Communists, applies with equal force to Fascist, Nazi or any other agents of foreign powers who follow similar tactics. We restrict the discussion to Communists because the greatest current danger, now that the Fascist and Nazi Axis was defeated in World War II, comes from the Communists. But this fact should not close our eyes to dangers from whatever quarter they may come. While this report stresses the problem of the federal government, the conclusions apply to state and local jurisdictions.

We also emphasize that our report merely scratches the surface of the problem and that our recommendations are tentative, subject to improvement as more people bring to bear their experience and knowledge to this urgent issue.

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THE FACTS AND THE PROBLEM

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INTRODUCTION

THE IMPORTANCE of a study of the problem of Communist infiltration of our government can scarcely be exaggerated. In the light of our earlier analysis,* we know that the security of the United States is menaced by Soviet expansionism. Under such circumstances, it is vital that we do not have within our own government a fifth column of a hostile power. To ignore this problem or to fail to deal with it adequately means the surrender of our sovereignty. It would pave the way for the destruction of our government through internal disintegration and decay.

For the safety of our nation, we must be brutally frank. This is not the time for diplomatic double talk. The Canadian government discovered within its official ranks three distinct systems of military and political espionage. Its Commission of Inquiry established in 1946 that not merely Communists but also pro-Soviet "liberals" were willing to turn over secret information to a foreign power. It found many undercover agents whose connection with the Communist Party could not have been established by their public responsibilities. Its findings showed that the Communist or the Communist sympathizer is a potential traitor, though often unaware of the full significance of his actions. It established a pattern of infiltration and espionage which finds its parallel within the United States.

Evidence is clear and irrefutable in regard to three major points. *First,* Communists in our midst have a unique loyalty to the Soviet Union. They will use government positions in order to further the interests of a foreign power. In doing this,

* *COMMUNIST INFILTRATION IN THE UNITED STATES,* Chamber of Commerce of the United States, Washington 6, D. C., 1946. (See bibliography for additional sources.)

they will go as far as treason. Furthermore, their sympathizers and dupes have been led, sometimes unwittingly, to do the same.

Second, Communists and their followers have achieved positions in our government where they can do immense harm to national welfare and security. Our previous study noted vital decisions where their influence predominated. Further questions are raised in the present document. The composite picture leaves no room for complacency.

Thirdly, it is clear that our government has shown appalling laxity in meeting this problem. For reasons to be shown subsequently, a dangerous penetration was accomplished in the face of progressively declining standards of security. Even when substantial evidence of disloyalty was presented, action was deferred or evaded. Cases of espionage and treason were ignored, lest their disclosure "prejudice our relations with the Soviet Union." In many cases purges were prevented for political reasons.

In the light of past disclosures, we cannot feel secure about our future policy. The serious blunders in regard to Latin America, our German policy, and our relations to China, noted in the previous report, are not yet irremediable. We can still act to safeguard national friendships vital for our security and for world peace. But the chances that our program will be revised in time to safeguard our future are dependent on our getting the facts. Too many persons of doubtful loyalty still hold positions where they can influence national policy. Leaks of confidential information are so serious that many governments hesitate to confide in us.* America is dissipating its immense power and prestige throughout the world, in part, because it tolerates advisers who seek precisely such a result, incredible as this may seem.

A further illustration may strengthen the thesis herein advanced. We have committed to the Atomic Energy Commission unprecedented powers. Decisions made by this group will determine the future of America.** Whether we like it or not, the agents of our government can in many ways determine our

* Report of Subcommittee IV, Pursuant to H. R. 430, p. 9, Government Printing Office, Washington, 1946.

** For startling disclosures see: *Plain Talk,* Feb. 1947, p. 3.

destiny. Certainly the least we can expect is that they represent us. Citizens of double or even of uncertain or confused loyalties have no place in positions affecting our national security. If such men have shown inability to detect Communist influence in front organizations, or in making appointments, they can hardly be considered safe candidates for exalted office.

Significance of Communist Party Membership

THE PRESENCE of Communists in government has deep significance. At various times in the history of the Communist Party, USA, it has openly disclosed what is implied in party membership. In 1935 in New York City, two thousand new Communists took the following pledge:

> I pledge myself to rally the masses to defend the Soviet Union, the land of victorious Socialism. I pledge myself to remain at all times a vigilant and firm defender of the Leninist line of the Party, the only line that insures the triumph of Soviet Power in the United States.

Each Communist Party application carried the following declaration:

> The undersigned declares his adherence to the program and statutes of the C.I. (Communist International) and the Communist Party of the U.S.A. and agrees to submit to the discipline of the Party and to engage actively in its work.

Such pledges are not openly publicized during the present period but they are implicit in the teachings of Lenin and Stalin, to which the Communist Party, USA, fully subscribes at the present time.

Discussing the relations between the Communist Party, its front organizations and the Soviet Military Intelligence, the Soviet Secret Police (or OGPU), General Walter Krivitsky, former member of the Soviet Intelligence Service, declared in his testimony before the Special Committee on Un-American Activities on October 11, 1939, that such people:

Are recruited for the OGPU from the Communist Party and from organizations which are regarded as sympathetic with the Communist Party, and that often for a particular job it was more advantageous to use a person who was actually not a member of the party.

Results of Penetration

WHILE the matter of numbers is important, even more significant is the fact of penetration into strategic positions. Thus, highly placed persons in the Bureau of the Budget have an unbelievable influence in rewarding or punishing "cooperative" or "recalcitrant" government departments, and in eliminating appropriations for national defense and security. A dozen persons in the "right" positions in the Department of State exercise an enormous influence on American foreign policy. A handful of advisers in the Treasury formulated the basic program of the Potsdam Agreement in Germany, which played into the hands of Soviet policy and which we have been forced to repudiate. Furthermore, there is evidence of a shrewd ring which keeps informed about important openings and has its candidates for such positions. In this way, relatively few Communists have been able to wield considerable power and to do much damage.

Strategic positions are not necessarily high positions. A file clerk may be more suitable for espionage than a prominent official. Minor functionaries often compile the memoranda from which important decisions are made.

Many decisions have been made in recent years, whose authorship would bear thorough investigation. There was at times a curious coincidence between Soviet aims and precipitously-announced policies of our government, later to be renounced, when their full implications were understood by us. It would be interesting to discover who effected our repudiation of Mihailovitch in favor of Tito, the despot who ordered the shooting down of American fliers. Another enlightening inquiry would uncover the forces behind our intervention in Argentina, which scuttled the Good Neighbor Policy and furnished ammunition for Communist propaganda in Latin

America. Who furnished misleading military intelligence as to the situation in the Far East resulting in our granting far-reaching but uncalled-for concessions to the Soviet Union?

It is well known that forces in the State Department are pushing the cause of the Chinese Communists against the constituted national government of China. The authors of such memoranda would bear investigation. Again, the full story of UNRRA has not been told. A high percentage of relief supplies has found its way into Soviet-controlled territory and has been used for political and military purposes even at the sacrifice of our domestic needs.* Another useful inquiry would delve into the tax-exempt status of notorious Communist-front organizations. Such a grant has led to indirect government subsidy of anti-American groups. It would be interesting to note the stimulus given Communist-controlled unions by certain officials in Government labor boards.

An English magazine noted humorously that the State Department had scooped a columnist in publishing a secret document. But the prevalence of leaks of confidential material is not humorous. Certainly an address by W. Averell Harriman to a closed meeting at the Army-Navy War College should not have been released by a French press agency three days later. Actually, the Communist and left-wing press has consistently obtained and published confidential data. At the same time, information which might enlighten the public on Soviet policies is being withheld or suppressed.

Espionage and Sedition

AMERICANS do not normally think in terms of espionage and sedition. We reserve such "cloak and dagger" material for war time, or for mystery stories centering in the turbulent Balkan region. We would consider even occasional peaceful espionage as fantastic. Certainly we are not prepared for mass espionage, motivated not by thoughts of revenge or monetary gain, but merely by fanatical devotion to the interests of the Soviet Union. Yet the June 27, 1946,

* See: *Reader's Digest*, February, 1947, p. 39.

Report of the Canadian Royal Commission describes a startling pattern which is not confined to Canada:

> Perhaps the most startling single aspect of the entire Fifth Column network is the uncanny success with which the Soviet agents were able to find Canadians who were willing to betray their country and to supply to agents of a foreign power secret information to which they had access in the course of their work, despite oaths of allegiance, of office, and of secrecy which they had taken.*

An application of this idea to American conditions was made by Major General William J. Donovan, former Chief of the Office of Strategic Services. As late as March 1945, General Donovan had defended the employment in OSS of such well-known Communists as Irving Goff, Irving Fajans, Milton Wolff, and Vincent Lossowski.** A number of pro-Communists in the OSS were subsequently blanketed into strategic intelligence posts in the State Department. Granting the General's thesis that, "no foreign policy can be stronger than the information upon which it is based," it can be seen how considerations of wartime expediency have endangered our safety.

In recommending the reorganization of our Intelligence system, he declared (LIFE Magazine, September 30, 1946):

> The N.K.V.D., the U.S.S.R.'s secret service, operates everywhere and in a highly distinctive manner . . . N.K.V.D. depends characteristically on sheer mass. It has thousands of operators scattered throughout the world in countries friendly and not so friendly. It draws information from a vast number of sources—trained secret agents, agents provocateurs, fellow travelers, Communists, as well as the customary diplomatic channels.

This statement is significant, since it reflects disillusionment with Communist professions of loyalty.***

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* *Report of the Canadian Royal Commission*, p. 57, (Ottawa: Kings Printer, 1946).

** *Evening Star, Washington*, March 13, 1945; *Washington Post*, July 19, 1945.

*** In this connection, the letter of J. Edgar Hoover, in connection with the Eisler case, made public on February 6, 1947, is significant. (*New York Times*, Feb. 7, 1947, p. 3.) It represents the first official admission of Soviet espionage operations in the United States. Congress should investigate this situation further.

Public Charges

THERE have been three public charges of espionage which would warrant further investigation. In December 1945, a newspaper chain published a detailed and circumstantial story that Soviet agents had pilfered atomic secrets. The President of the American Federation of Labor charged at its 1946 convention in Chicago that an official had stolen and photographed State Department documents to send to Moscow.

In June 1945, six persons were arrested on charges of violating the espionage act, two of them connected with the pro-Communist magazine, AMERASIA. According to Congressman George A. Dondero, a search of the offices of the magazine disclosed more than 100 files containing top-secret and highly confidential documents stolen from the State Department, War Department, Navy Department, Office of Strategic Services, Office of Postal and Telegraph Censorship and the Office of War Information.* This charge was corroborated by a subsequent Congressional investigation. One of the six, Emmanuel Larsen, declared that influence was used to prevent real prosecution of the defendants.**

An illustration of our inexcusable laxity was the order given to permit Communists to receive commissions as officers of the United States Army. The intelligence branches of both the Army and the Navy were ordered to discontinue investigations into Communist activities. Such orders were given in spite of violent protests by patriotic and far-seeing officers of the armed forces and members of Congress. The result was a dangerous penetration of our military arm by Communists. They infiltrated the Army orientation course, and gave it a pro-Soviet bias. They reached strategic positions in the intelligence services and were able to color information upon which vital decisions were based. The editorship of many army papers was captured by known Communists. Such individuals gravitated into key positions in the armies of occupation. It is known that Communists organized most of the mutinous dem-

* *CONGRESSIONAL RECORD,* April 16, 1946.

** Emmanuel S. Larsen, "The State Department Espionage Case," *Plain Talk,* October 1946, p. 38.

onstrations which so badly lowered American prestige and strength after the fighting ceased.

How Communists Get Government Posts

THE OBJECTIONS to Communist infiltration of government are not unknown to responsible government officials. On the whole, federal policy and public opinion have been against the employment of Communists. In spite of this fact, however, they have successfully scaled the barriers erected against them. The explanation of this fact lies in two situations:

1. A series of factors which weakened the determination of top officials to exclude Communists and their sympathizers.
2. Major defects in the legal and administrative procedure for screening out undesirable elements from federal employment.

Each of these points deserves detailed analysis.

In examining the first point noted above, our first emphasis should be placed upon the psychology of the so-called "liberal" public official. Since 1933, this group has dominated the government. Very early in their careers they developed a strong aversion to resisting Communist infiltration in government. This was due in part to careless charges often made against real liberals and their reform programs. As a result, when genuine and well-founded charges were made, they rarely bothered to examine them.

Furthermore, these liberals found a common cause with the Communists in opposing Hitler and the rise of Fascism. A quiet merger was facilitated by the current Communist Party Line. During the years 1935-1939 and 1941-1945, the Party wore lamb's clothing. These were the days of the united front against Fascism, when revolutionary aims were temporarily set aside, in order to save the Soviet Union from Nazi conquest. During these years, Communists talked like liberals, and were accepted by them, sometimes consciously, often unwittingly.

This quiet trend changed into a quasi-official policy as the recent war progressed. It is now known that the Administration promised Stalin to secure a favorable world opinion for the Soviet Union.* To implement this promise, the Administration used effective pressure against "Red baiting" and discrimination against Communists. Any attack upon Russia or its American agents was considered as hurting the war effort. This pressure was enforced by criticism from the Communist press, the pro-Communist liberal press, and by Communist inspired front organizations. The result was a heavy influx of Communists and their sympathizers into the war agencies, such as the OWI, OSS, OPA, FEA, and WLB. With the termination of the conflict, these individuals shifted to the more permanent agencies. At the same time, investigative work by the Civil Service Commission was tapering off and lapsing into almost complete ineffectiveness.

Politics and Loyalty

THERE IS still another class of government officials who do much harm. In this type are those who from various motives introduce and promote candidates of doubtful loyalty. In some cases the motive is politics. Thus, recommendations from left-wing labor groups have been accepted on the grounds that this will win the labor vote. Several projected purges of government employees were vetoed on political grounds. Again, some popularity-seeking officials fear the smear techniques of the left-wing press. An example of such smears were the attacks upon the State Department as "reactionary" and "pro-Fascist." Such attacks ceased when Soviet sympathizers began to infiltrate this Department in important numbers. Officials who connived in such moves have sacrificed the interests of our country to gain the applause of those motivated by their loyalty to a foreign power whose aims are frankly hostile.

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* See: William C. Bullitt, *The Great Globe Itself*, New York: Scribner, 1946, p. 21.

All these classes have done a grave disservice to their country. No eradication of fifth columnists would be complete which did not make a thorough and exacting study of each group. It is necessary that public or secret Communists be removed from government posts. Their sympathizers or dupes likewise should go, since they are equally dangerous.* But a complete study should go deeper. It should examine the forces which led to their original appointments. Their recommendations for personnel should be scrutinized. Finally, any official who appointed a substantial number of such persons should in turn be suspect as to loyalty or judgment.

The recommendations given here are severe, because the problem is critical. No one has a vested right to be appointed to a government job. If his actions or policies endanger our security, the people have a right to be protected from him.

Communists in Government

NO FIGURES are available to the public as to the number of known Communists in government. It has been estimated that about 400 hold positions of importance in Washington. Others occupy strategic positions in the military government abroad. The Communist-dominated United Public Workers of America (CIO) claims membership of 100,000, of which 40,000 are federal workers. While it cannot properly be said that all members of this union are Communists, it is undeniable that they are all subject to Communist propaganda and pressure.**

The United Public Workers of America, (a merger of the United Federal Workers and The State, County and Municipal Workers) has a long pro-Communist record. It denounced

* For three extensive and accurate partial lists of Communist unions and fronts see: Andrew Avery, *The Communist Fifth Column*, and *Communist Power in Industry*, Chicago: Journal of Commerce, 10c and 15c; *Investigation of Un-American Propaganda Activities in the United States*, House Committee on Un-American Activities, May 29, 1946, Washington: Government Printing Office.

** See: *Stalin's Hand in the Panama Canal* by R. de Toledano, *Plain Talk*, Nov. 1946, pp. 34-36.

American foreign policy at its Atlantic City convention in 1946, supported Soviet Union programs and policies, and went on to advocate a strike policy in Government service. Although it is true that the Executive Board of the union perfunctorily repudiated the convention strike resolution in response to the wave of public condemnation and Congressional resentment, the Communist character of the organization and its predecessors (UFW and SCMW) had been clearly demonstrated by their subservience to the Communist Party line since their beginning.* Nevertheless the United Public Workers union is allowed the privilege of meeting in government buildings. Its posters are freely displayed on bulletin boards. Its literature is freely circulated. There has been no official ruling against the organization by the Civil Service Commission or any federal agencies.

The United Public Workers of America has recently announced the organization of 17,000 workers in the militarily strategic Panama Canal Zone under the leadership of Leonard H. Goldsmith, a New Jersey CIO organizer with a long record of Communist activities. This union has locals in the State, War and Navy Departments and other important federal departments, in arsenals, Navy Yards, scientific laboratories, proving grounds, penetrating to the positions in government most sensitive from a security viewpoint.

As a further indication of Communist strength in government, of a total of 562 federal employees listed by the Special Committee on Un-American Activities in 1939 from the files of the American League for Peace and Democracy, cited by Attorney General Biddle as a Communist front organization, a large proportion is not only still with the government but are in far more important positions. Communist Party and Communist front meetings in Washington attract thousands, most of them federal employees. Secret Communist cells are continuously at work within the Nation's capital.

Once Communists infiltrate sufficiently into government, they set up an efficient patronage machine. Openings are noted, and candidates are pushed for strategic positions. Aiding in this process are gullible liberals, front organizations, infiltrated

* See Appendix V for further evidence in this regard.

groups, and pro-Communists in the labor movement. This penetration is not confined to the executive arm alone. Communist sympathizers also received appointments as technical advisers to Congressional committees and to individual members of Congress.* Some of the most dangerous appointments in recent years to such departments as State, Treasury, Labor, Commerce, Federal Communications Commission and Bureau of the Budget were the work of this patronage system.

Legal Status of Communists in Government

THE PRESENT legal basis for barring Communists from government service is Public Law 135 generally referred to as the Hatch Act. This forbids the employment of those who advocate "the overthrow of our constitutional form of government." Although the Communists do not at this stage in the United States openly advocate such overthrow, it is basic in their fundamental teachings and tactics. Communists, with characteristic duplicity, do not hesitate to deny such advocacy even under oath.

A further difficulty in applying the Hatch Act is the obtaining of proof that a given individual is a member or a follower of the Communist Party. An illuminating study of this problem is contained in a letter to Hon. George A. Dondero, written on February 20, 1945, by Adjutant General U. A. Ulio. The General notes:

> It was clear that the burden of proof in applying the Hatch Act was squarely on the Army. Legal proof of membership had to be established. . . . The Hatch Act did not refer to persons of communist ideology who were not members of the Communist Party. . . . Long experience and careful investigation showed conclusively the virtual impossibility of developing actual, legal proof of membership in the Communist Party on the part of persons desiring to conceal such membership. The Communist Party took action to prevent the Hatch Act being applied to its members in the Army

* For first-hand documentation see: *Turn the Light on Communism* by Robert M. LaFollette, Jr., *Collier's*, Feb. 8, 1947, p. 22.

by giving them leaves of absence in such a manner as to constitute at least a suspension of membership in the Party. Certain court decisions [the Schneiderman case] had to be considered. It has been held that proof of past membership in the Communist Party is not conclusive proof that the individual thereafter continued to be a member of the Party. As a result of these considerations, the War Department has found itself in a difficult position legally to take effective action under the Hatch Act.

The Army's difficulties found a parallel in the Civil Service Commission as disclosed by the Subcommittee of the House Civil Service Committee Report:

> It has been extremely difficult to prepare standards that would protect both the government and the employee. Very few individuals openly advocate the overthrow of our government by force or violence or belong to organizations that so advocate. If membership exists, it is extremely difficult to prove.

The Report of the Canadian Royal Commission (June 27, 1946) enlarges upon this problem as follows:

> To judge from much of the evidence, the secret adherent is apparently encouraged never to be honest or frank, outside the secret "cell" meetings, about his real political attitudes or views, and apparently is led to believe that frankness in these matters is the equivalent of dangerous indiscretion and a potential menace to the organization as a whole.

The Civil Service Commission and the Federal Bureau of Investigation both have pointed out a situation summarized as follows:

> While fingerprint and name checks afford some protection to the government, the protection cannot be adequate since many individuals who are disloyal to the government do not have criminal records and often operate under assumed names.*

It should be noted, however, that automatic fingerprinting of all employees has not been enforced. Many employees in the government have not been fingerprinted.

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* *Congressional Record*, July 20, 1946, p. 9729.

A Court Decision

A SECOND blow to effective application of the Hatch Act was given by the United States Supreme Court on June 21, 1943. In the case of William Schneiderman, a Communist organizer, the Court held that membership in a Party does not of necessity indicate acceptance of the Party's program! The court did not in this case rule whether or not the Communist Party actually advocates the overthrow of government. This attitude of the Court appears strangely unrealistic in the light of recent purges of Communist Party members who did not faithfully accept the current Party Line. Nevertheless, it stands as a severe legal obstacle against one method of purging Communists from government. It is clear that the approach from the "advocacy of revolution" aspect is not sufficient. A more satisfactory approach is the right of government to set up its own standards of employment, a right upheld in regard to government purchases under the Public Contracts Act (the Walsh-Healey Act).* In the case of Morton Friedman, the U. S. Court of Appeals (D. C.) stated:

> The United States has the right to employ such persons as it deems necessary to aid in carrying on the public business. It has the right to prescribe the qualifications of its employees and to attach conditions to their employment. (Dec. 16, 1946)

A further difficulty with the approach previously used is that at most it would affect a small group of Communist Party members. It would be wholly ineffective against the fellow traveler or dupe who co-operates with the Communists. It would likewise be useless against officials, who, for political or personal reasons, connived in the appointment of persons whose loyalty or judgment can be questioned.

Previous Supreme Court history in regard to subversive groups is not entirely clear. There are two opposing lines of precedent. The Holmes dictum ** states that there must be "clear and present danger that they will bring about the substantive evils that Congress has a right to prevent." According

* For further comment on Supreme Court decisions, see Appendix I.

** Schenck v. United States, 249 U. S. 47, 52, 63, L. Ed. 470 (1918).

to this approach, it is not enough to show that the Communist Party advocates the overthrow of government. It must be further proved that the threat is real and imminent. On the other side is the "self-defense" dictum, whereby a government can take the steps necessary to defend its existence.* This theory would give the Congress greater latitude in protecting the nation from potential evils, even before they progress sufficiently to become an imminent threat.

There exist two further legal bases for action against Communists and their followers. The Voorhis Act requires the registration of proved foreign agents with the United States government, with a full statement of their activities, revenues, and disbursements. To avoid registration under this Act, the American Communist Party ostensibly "broke" with the Comintern in 1940. The Comintern itself went through the motions of dissolution in 1943. Yet the Department of Justice is in a position to prove that the American Communist Party takes direct and continuous orders from Moscow and its agents. In the light of these facts, it would be advisable for the Department of Justice to proceed against the Communist Party for violation of the Act. It should further enforce future compliance upon the Party and thus force its activities into the light of public scrutiny.

A second legal aid may be found in the Logan Act of 1912. This law prohibits and punishes conspiracy by American citizens and foreign agents, helping foreign agents to influence relations between the United States and any foreign government, and the attempt to defeat measures taken by the United States in the course of such relations. The law also applies to those who counsel, advise or assist in such operations. Actually the top officials of the American Communist Party have consistently engaged in activities which are forbidden by this law. The Department of Justice can compile evidence to show such violations. Prosecutions under this Act would unmask the Party and show it in its real light: an instrument whereby American citizens have become agents of a foreign power and traitors to their own government.

* Schaefer v. United States, 251 U. S., 466, 477, 64, L. Ed. 360 (1919). See in this connection the *MARQUETTE LAW REVIEW*, March 1943.

Comprehensive Program Needed

THE FACT is that the Department of Justice representing the law enforcement arm of the government has thus far utterly failed in securing either legislation or Supreme Court opinion that would lay a sound and watertight basis for proceedings against members of the Communist Party, or its agents, particularly those who are in Government employ. It has avoided meeting the issue.

Of course the government has other powers which it may invoke, but which it has not exercised with any energy or persistence. Section I, Rule 12 of the Temporary Civil Service Regulations specifically gives that power to the federal agencies in the following explicit terms:

> No person in the classified service of the United States shall be removed therefrom except for such cause as will promote the efficiency of the service and for reasons given in writing; and the person whose removal is sought shall have notice of the same and of any charges preferred against him and be furnished with a copy thereof and also be allowed a reasonable time for personally answering the same in writing; and affidavits in support thereof; but no examination of witnesses nor any trial or hearing shall be required except in the discretion of the officer making the removal; and copies of charges, notice of hearing, answer, reasons for removal, and of the order of removal shall be made a part of the records of the proper department or office, as shall also the reasons for reduction in rank or compensation; and copies of the same shall be furnished to the person affected upon request and the commission also shall, upon request, be furnished copies of the same.

Encased in the legal phrasing of the rule there are two essential points: first, that employees of government can be removed to promote the efficiency of the service. The second point is that while the employee has a right to answer the charges, he does not have the right to a formal trial or hearing.

The importance of this latter point is brought out in Appendix II. The need of protecting informants from Communist reprisals, and the necessity of protecting sources of information about a secret and conspiratorial group, call for special techniques. On this subject, the rights of a federal employee

are best protected by skill and competence among investigators and security officials on the basis of publicly announced adequate standards fixed by Congress. An open hearing, which would unmask informants and sources of investigation, would reduce to impotence the future process of purging the government of disloyal employees.

Practical Obstacles

IN PRACTICE, however, these existing powers have been used reluctantly and sparingly. There were many reasons why officials hesitated to proceed even against flagrant disloyalty. One was the current view that such actions would endanger the "friendship" between the United States and the Soviet Union. Another was the fear of savage attacks from the United Federal Workers Union (now the United Public Workers of America), Communist fronts, the Communist and pro-Communist press. It was politic not to act on such cases. Furthermore, the Civil Service Commission, except in rare instances, investigates only new employees. Those previously blanketed into government are left to the untrained inquiries of department or agency heads. The result was a set of conflicting and inadequate standards, with employees rejected on loyalty grounds by one agency being accepted by another.

Congressional efforts to exclude employees who were active in Communist causes were balked by one pretext or another. Then, after the Civil Service Commission had lapsed into innocuousness, its funds were cut to the bone. At present, the Commission has funds to make loyalty investigations of about one in two hundred new employees. An influence in the starving of the Commission was the attitude of high Bureau of the Budget officials. Congressman Bradley quoted Paul Appleby, then Acting Director of the Bureau of the Budget, as stating: "A man in the employ of the government has just as much a right to be a member of the Communist Party as he has to be a member of the Democratic or Republican Party."

In summary, it can be seen that part of the difficulty in removing Communists from government is legal, and part the

result of administrative decisions. As noted earlier, it should not be difficult to establish a sound legal basis for standards of loyalty. Our government has abundant evidence to prove the treasonable nature of the Communist Party. All that is needed is the revelation of facts now suppressed. The administrative problem is likewise relatively simple, given good will. Congress should see that definite security regulations are made and enforced. Stern vigilance along this line is the only road to safety. An unwise economy which prevents investigation of present and prospective employees would be most shortsighted. It would be a paradox to appropriate billions for military defense against external enemies, and yet to ignore fifth-column elements in our midst.*

A Statement of Policy

IN ORDER to protect our nation from persons of doubtful loyalty, there should be a clear understanding that certain types of persons are considered unsuitable for public service. This bar would apply to present employees as well as to applicants. This policy statement should contain clear and comprehensive definitions, some details of which are advocated subsequently. Safeguards should be erected to protect those who innocently became entangled with Communist groups, or who subsequently changed their views. The benefit of the doubt should be given to the security of the nation and not to the individual. As was noted in our previous report, pro-Communist activities reflect upon either the loyalty or judgment of an individual, and persons lacking in either should not be retained for government service.

It is to be anticipated that Communists, through devious routes, will try to arouse liberals and the general public against a program of insuring loyalty in government. Charges will be raised that freedom of thought will be muzzled and a Gestapo set up. Demands will be made for full public hearings in each case and for the revelation of sources and informants. Such

* For a fuller discussion of the Civil Service Commission and its functions, see Appendix III.

a campaign will be the more dangerous, since all sympathize with its announced objectives. Actually, however, trained investigators with clear directives based on statute do not confuse liberals with Communists. No individual with a consistent record of loyalty will be injured by proposals made here. Charges to the contrary will be only a smokescreen to protect subversive elements, always adept at clothing themselves with an American flag when attacked.

Once standards are set, it is important that adequate investigative machinery be available. This problem is difficult, but not insuperable. The investigators of the Civil Service Commission performed their task with considerable efficiency, prior to Administrative decisions which hampered their work. While it will be hard to reassemble a trained staff now scattered far and wide, adequate standards of salary and security might prove an inducement for experts to return to the service. Investigators trained by other government agencies during the war, and now in civilian service, might be attracted by favorable offers.

Congress should see that some central agency is responsible for security and loyalty supervision. This agency should set definite standards, which must be followed by department and agency heads. It should report to a subcommittee of Congress whose principal functions would be to enforce the will of Congress in this matter. In so far as possible, and subject to the exception of the Federal Bureau of Investigation, security files of government should be centralized. This agency should not only check upon applicants for employment, but also investigate complaints about and initiate its own inquiries in regard to present personnel.

To assist this security agency, Congress should legislate clear and definite standards. It should enact into law some such standards as are given subsequently. A tightening of security and espionage provisions, and a strengthening of loyalty requirements, would give a security agency real tools with which to improve the quality of federal service.

Conclusion

THE PROGRAM presented in this report is a proposed pattern for action. It is based upon a careful study of well-documented material. Such information is largely a matter of public record, indeed much of it stems from Congressional inquiries. In view of the urgency of the problem and the wealth of material on hand, it would be a mistake to defer action pending another prolonged investigation of the problem. Analysis of existing material and recommendations by qualified experts afford Congress ample basis upon which to erect a fair and workable pattern of laws.

There is room, however, for further investigation on a broader front. Throughout this report there have been allusions to suppressed information. Reference has been made to policies which appear to be more pro-Soviet than pro-American. The entire aspect of outside interference in American foreign policy calls for exhaustive study. It would appear that such inquiries could be appropriately directed by either the Senate or House Foreign Relations Committee, or by a joint subcommittee. Such a group could go into the influences which entered into such important decisions as the Potsdam Agreement, the Argentine policy and the China policy. It should probe the reasons behind the suppression of information regarding activities of Soviet agents in this country. This committee could bring into the open the full story of Communist penetration of military occupation zones, UNRRA, certain clashes between the USSR and the USA in mutual occupation zones, the whitewashing of espionage cases, and scores of other items important for an intelligent foreign policy.

A dignified and competent investigation of this type would educate the public to the realities of our foreign relations. In trained hands, it should not and would not be a sensation-seeking witch hunt. Rather it would be a penetrating study into the pattern which determined American foreign policy at a critical period in our history. A real service could be rendered if the secret story of Yalta and Teheran could be made public. Much that is sordid would be revealed by a complete inquiry, but it would furnish the basis for an intelligent and realistic

foreign policy.* It would also further document the need for loyalty and security in federal employment policies.

But the cleansing of government should not wait the conclusion of such a broad investigation. National security demands prompt, although carefully considered, action. We urge this, knowing that the government has extensive files which would justify an extensive program of security standards and measures. The recommendations given here provide safeguards against hasty and ill-considered action. They would not lead to wholesale dismissals on flimsy grounds. But they do furnish a groundwork for national security.

The building up of a competent investigative corps will take time. In the meantime, however, once the proper principles are enacted into law and administrative rulings, the removal of Fifth Columnists could begin. Actual Communists and foreign agents known to the Federal Bureau of Investigation should be cited to the proper security officers for immediate action. In many cases, criminal prosecution would be in order. At any rate, the sources of leaks and espionage could be promptly spotted.

It will take longer to prepare properly the cases against fellow travelers or dupes who have effectively aided the Fifth Column. This would be more properly the work of the central security agency and of the department and bureau security officials. It would be aided immensely by the probe recommended above.

Cooperation Needed

THE SECURITY of the Nation demands that there be full cooperation of the Executive branch with the Legislative and Judicial branches on this matter. The issue should be above all partisanship. Federal employees should be called upon to cooperate by furnishing helpful information in the interests of national security. Present and past employees should be released from oaths of secrecy and of office, to the extent that they testify before properly constituted Congres-

* For the evidence see: *Defeat in Victory*, Jan Ciechanowski, Doubleday and Company, New York, 1947, and Wm. C. Bullitt, op. cit.

sional Committees or security boards. Guarantees as to immunity from reprisals should be given to those who testify, whether in government or in civilian employment. In this way, thousands of present and former federal employees and members of the armed services will be able to supply information. It is known that many have felt that their country's interests were being betrayed because of faulty policies. They should be given their chance to testify and to document the general charges made in this report.

In discussing agents of a foreign power, we have limited our treatment mainly to Communists. Agents of the Axis have been largely suppressed by the prompt and intelligent action of the Federal Bureau of Investigation. To the extent, however, that any foreign agents other than Communists operate to menace our security or interests, all of these principles and recommendations would likewise be operative in their cases. But the danger of the Communist Fifth Column is imminent and great.

We have not said the last word on this important subject. We hope this report will help the American people to find a solution to a vital problem. We pledge our support to all conscientious and loyal Americans in this endeavor.

We wish to emphasize two points:

1. The overwhelming majority of government employees are competent and thoroughly loyal. No broadside or sweeping indictment or investigation is called for. Emotional witch-hunts do more harm than good.
2. Because the Communists are daring, ruthless and resourceful, the task of keeping public employment free from them and their sympathizers is a continuing task, calling for objective standards applied with resourcefulness, intelligence and insight.

Persons interested in studying more detailed suggestions for implementing the foregoing general program, are urged to examine Appendix I on Specific Recommendations.

APPENDIX I

Specific Recommendations

THE FOLLOWING detailed recommendations are designed to implement the general proposals given previously. They are concrete and practical suggestions to Congress and the security agencies of the government. They represent the experience of many experts who have studied at length the question of subversive penetration into our government.

1. Loyalty

THE QUESTION of loyalty should be one which can be raised at any time by the government in reference to any employee regardless of whether he has been cleared before or not, and regardless of the permanency of his status. This will make it possible for the government to rid itself of disloyal elements if further evidence is found on the subject's past record or in the event of subsequent subversive activity. In other words unquestionable loyalty to the government should be the *sine qua non* of government employment, at all times.

2. Investigative Agencies

WITH OVER two million employees on the federal payroll and with thousands of new applicants each year, it is manifestly impossible for the one hundred investigators on the Civil Service Commission staff to investigate new cases as well as old cases which may arise. Even if the staff were considerably increased it would be an impossible task for any one agency. It is therefore suggested that responsibility for staff loyalty be placed not only upon the Civil Service Commission but also upon *all* agency, section and department heads. Each executive officer should be duty bound not only to report any evidence of disloyalty but to see to it that proper action is taken in each case. He should be responsible for the drawing up of any special security measures appropriate to his department and for the appointment of a security committee which should function in his agency, section or department. Officials in all departments who encounter any evidence of disloyalty in any other department in the course of their activity should be called upon to report their findings to a designated authority.

The Federal Bureau of Investigation, which now has no power of recommendation, thus rendering information in its vast files almost valueless, should be required by law to pass information on loyalty cases to the agencies concerned with recommendations and to expe-

dite action in the interests of national security. Thus instead of concentrating responsibility upon one single agency, an assignment impossible of accomplishment, the responsibility should become a part of the fundamental duty of all government executives on the basis of open uniform standards established under Congressional law. Nevertheless, decentralization in the execution of security rules for existing federal employees should be no excuse for evasion of duty. A central agency should not only set up standards, but it should have the power to check upon the enforcement of these standards by department and bureau security officers. Moreover, a subcommittee of Congress should have as its task the maintaining of vigilance in this regard.

In order to protect its sources of information, the Federal Bureau of Investigation does not disclose them to the various agencies. Agencies are thus required to act on unsupported charges. This results in widespread evasion, delaying any decisive action. The Federal Bureau of Investigation should be permitted to keep its sources confidential but it should be required to state definitely whether on the basis of its weighted findings, the subject is or was a member of the Communist Party, a fellow traveler, and the like.

Two points in regard to the Federal Bureau of Investigation are important. The first is that it be permitted to keep inviolate its records and sources of information. It would be imprudent in the long run to expose and thus to nullify trusted sources merely to gain short-term objectives. Secondly, it should have the responsibility and the opportunity to initiate, on its own discretion, loyalty inquiries. It is not enough that it pass judgment upon cases sent to it from the Civil Service Commission or the departments. It should also have the right and the duty to call to the attention of security officers cases which endanger national security. In such instances, it should send its weighted conclusions to this officer, who would be bound to give such judgments most careful consideration. In doing this, it would act under the uniform publicly-known standards to be set up for all loyalty cases.

3. Handling Records

AT THE present time loyalty records are scattered over a number of agencies, each of which is highly jealous of its own prerogatives. The resultant friction serves the interests of those who seek to avoid detection. Hence records should be concentrated as far as possible with the understanding that special records should be encouraged where it specifically suits the needs of the given agency. Access to such records should be granted only to specially selected investigators under carefully drawn security provisions.

4. Trained Personnel

THE DETECTION of Communists and their agents, the discrimination necessary to avoid injustice to individuals, the difference between a Communist, a fellow-traveler, a liberal, and those in other movements, all require considerable knowledge and study. This necessitates the training not only of investigators in this field, but more important, of those who supervise this work and especially those who make evaluations. In the past, knowledge and training in this intricate work has almost invariably diminished proportionately as one approached the top, decisive or executive levels. Persons with years of experience in this work have either been dropped or shifted to other activity. Positions of this kind, in which questions of national safety are so deeply involved, must not be left to an untrained and inexperienced political appointee. The policy of maintaining a security official like J. Edgar Hoover in office, regardless of changes in Administration, is sound. It should be applied in all levels of security work. The issue of security should be above partisan politics.

5. The Communist Party and its Fronts

IN A LARGE MEASURE the government is responsible for the present confusion because it has failed to set down definite and reasonable standards as a guide to all departments, to present and future employees, as well as to the public. The Department of Justice should officially rule that the Communist Party, USA, is an agency of a foreign power and subject to the provisions of the Voorhis Act and the Logan Act. The Department of Justice should make public at least twice a year a certified list of Communist-controlled front organizations and labor unions. The government should clearly state its attitude toward public employees who support such organizations.

The front organization should be clearly defined. Attorney General Francis A. Biddle has referred to them as organizations:

> Represented to the public for some legitimate reform objective, but actually used by the Communist Party to carry on its activities, pending the time when the Communists believe they can seize power through revolution.

In urging the necessity of building such organizations, Otto Kuusinen, former Secretary of the Communist International, has referred to them as "mass organizations, sympathizing with our aims, and able to aid us for special purposes."

Identification of Communist front organizations and Communist-controlled unions should be based upon publicly announced standards such as the following:

1. Information that the group was formed by the Communist Party or through its instigation and corroboration of this by strict adherence to the Communist Party line.

2. Communists or supporters of the Communist Party line in strategic and policy-making posts of the suspected front, as speakers, editors, secretary, organization director, educational director, organizer, executive board members, office staff, and the like.
3. Cooperation with the Communist Party and its other front organizations.
4. Support of the organization by the Communist press and Communist-controlled organizations.
5. Use of well-known Communist service organizations for printing, mimeographing, meetings, entertainment, advertising, accounting, unions, and so forth.
6. Unwavering support of the Soviet Union on all questions, even when such policies are in opposition to the policies of the United States.

All agencies of the government should have a uniform attitude toward these organizations, once they are definitely identified. They should be dealt with as the direct or indirect instrumentalities of a foreign power, subject to the provisions of the Voorhis Act and accorded no official recognition or standing by any government agency. This should apply also to a Communist-controlled union such as the United Public Workers.

6. Civil Service Rules

ON NOVEMBER 3, 1943, the Civil Service Commission issued debilitating instructions coincident with the pressure from the United Federal Workers, which made a mockery of its investigations. These instructions concerned Communist activity in unions, aid to Loyalist Spain, Communist reading matter, family connections with subversive elements, and adherence to front organizations. By eliminating such questions, a fruitful source of information was cut off. The detailed reasons why these and similar questions should be reinstated are given in Appendix II.

7. Clear and Precise Definitions

PRECISE definitions, as objective as they can be made, should be evolved as to the various categories included in loyalty investigations, as well as the definite attitude of the government toward them.

(a) Members of the Communist Party, USA, as proven by: possession of a membership card, payment of dues, soliciting membership, holding a post in the party or on one of its official publications, doing other work for the party, running for office on the Communist Party ticket, proof of attendance at closed meetings of the Communist Party, or announcement of party membership by an official Communist publication or admission of party membership.

The question has been raised at times as to whether such evidence would prove *present* Communist Party membership. Properly to pass on this question one must understand the nature of such mem-

bership. Communist Party by-laws and rules have time and again emphasized the fact that membership is strictly the possession of the party, to give, withhold or renounce. Communist Party members cannot resign. They are expelled. They are never granted a leave of absence from duty, contrary to what the Army was told, except in cases of ill health. Those who claim they are no longer members should therefore be compelled to furnish proof of their severance from the party. This could be in the form of a public Communist announcement of expulsion as in the cases of Browder, Minton, McKenney and others, or some evidence indicating that the subject has on one or more occasions, sincerely opposed the party. Otherwise it should be assumed that membership is still in force. Members of the Communist Party should be barred from all government agencies because of their subservience to a foreign power.

(b) Since it has been a recognized Communist practice not to admit party membership and to hide actual membership behind one or more pseudonyms plus other artifices, the subject's amenability to Communist discipline, his loyalty to the Communist Party and the Soviet Union, must be established as it is done in the trade union movement, as it was done by Attorney General Francis A. Biddle in the case of Harry Bridges, and as it was done by the U. S. Labor Department in the case of Helen Miller, by showing that *the pattern of behavior* over a substantial period has been *unvarying* in its conformance with the publicly announced Communist Party line, and that affiliations and associations have invariably been with organizations and individuals identified with the Communist Party. In this category belong registered Communist voters, signers of Communist election petitions, subscribers to the Communist press, financial contributors to the party or its organs, supporters and defenders of the party, and the like. Because of the secrecy of the Communist organization especially where a "capitalist" government is concerned, this method is the only practical one which can be relied upon. The following opinion of Judge Charles B. Sears, characterizing Harry Bridges, should serve as an excellent model. Speaking of the defendant he points out that said defendant's

> cooperative and sympathetic attitude toward various Front Organizations of the Communist Party and toward certain Communist-sponsored programs and policies . . . *viewed as a whole, form a pattern* which is more consistent with the conclusion that the alien followed this course of conduct as an affiliate of the Communist Party, rather than as a matter of coincidence. (Italics supplied).

Generally, not one isolated act or incident should control; rather it is *the pattern* of loyalty or disloyalty and of behavior over a period of time which should be the test. Those who accept completely the discipline of a foreign power or its American instrumentality, the Communist Party, should be barred from federal employment.

The government should consult with educational experts to explore the feasibility of employing the new type objective attitude examination in connection with the determination of the loyalty of employees and applicants. This type of examination, ingeniously constructed and intelligently applied, can do a great deal to determine whether the examinee has the type of knowledge and attitudes which only Communists and close fellow-travelers have. In skillful hands this type of examination could be a highly discriminating supplementary tool for determining loyalty, and possibly, degrees of disloyalty; and coupled with other evidence the results would help to identify those persons whose primary loyalty is to a foreign power.

(c) The attitude of the government toward the group known as "fellow travelers" involves many difficulties. Nevertheless the significance of this group and their potentialities as far as national security is concerned, should be frankly faced.

A fellow traveler should be defined as an individual who from time to time supports the Communist Party or one or more of the organizations or campaigns operating under its initiative and control. He may or may not agree with the full program of the Communist Party or its controlled organizations. As a rule his support is influenced by his sympathy and admiration for the Soviet Union as a symbol of progress and social welfare, or by his belief that the particular organization or campaign is a meritorious one, or by both considerations. Since the founding of the international Communist movement, it has been standard Communist practice to utilize and exploit such middle-of-the-road elements for special Communist purposes. F. Brown, then a member of the National Committee of the Communist Party, USA, and a well-known Comintern operative, (*Daily Worker*, August 25, 1937, p. 2) declared:

> It is no exaggeration to state that besides the 55,000 Communist members, there are today tens of thousands of individuals who are active in every field of the progressive movement, carrying out the line of the Party in practice. They work shoulder to shoulder with the Party members, follow the Party line through our press—*Daily Worker, Sunday Worker*, language press, through the mass activities of the Party—mass meetings, lectures, and all struggles in which the Communists are in the forefront. . . . We must point out: First, that their actual work is appreciated by the Party; second, that we consider their work Communist work and want them to continue it.

The closeness of a fellow traveler to the Communist Party and the extent of its confidence in him, may be measured by:

1. The number of his associations with Communist-controlled organizations.
2. The importance of the post or posts occupied by him in these organizations.

3. Extent of his activity.
4. His adherence to these organizations despite public exposure of their Communist character.
5. His standing in the Communist press.
6. Public statements, writings, and the like.
7. Type of character references.

In certain naive, "liberal" government circles, it has been customary to look upon these ties somewhat lightly and with considerable good-natured tolerance. It should be pointed out, however, that a well-meaning but unsophisticated dupe in the hands of shrewd manipulators, can often do as much or even more harm than a Communist Party member. The Report of the Royal Commission of Canada offers the following startling example:

Raymond Boyer, a wealthy and noted Canadian chemist, who described himself as having "worked in organizations in which there were Communists and in which I knew there were Communists, and I have worked very closely with Communists, but I have never held a party card nor paid dues." A memorandum found in the Soviet Embassy cites his services as follows: "Gives full information on explosives and chemical plants . . . (Gave the formula of RDX . . .)" RDX is an explosive perfected in England in 1942. He also furnished information regarding the Pilot Plant at Grand Mere, Quebec, for the production of uranium.*

It has repeatedly happened that the individual under consideration is held in high esteem in scientific, cultural or artistic circles, but is naive politically and easily exploited by the shrewder and more purposeful Communists. It will take unwavering determination and loyalty on the part of government officials to adhere strictly to standards to be established in such cases.

In setting up security provisions and in providing punishment for violations, the British Secrets Acts of 1911 and 1920 provide a model worthy of serious consideration. The more pertinent sections of these Acts are quoted in Appendix IV.

In the light of the problems we face in the coming critical period, it would be highly undesirable to permit the following categories to hold any post in the government involving, directly or indirectly, the determination of policy on other than purely technical matters, the appointment or control of personnel, or access to confidential information important to our national security:

1. Persons who demonstrate an attitude fundamentally hostile to our form of government. This does not imply any desire to stifle honest criticism of those who are fundamentally loyal to the principles of American democracy.
2. Persons who demonstrate a loyalty or devotion or admiration for the Soviet Government in preference to our own,

* *Report of Canadian Royal Commission*, p. 375.

who resolve every question of doubt on matters involving the two nations, in favor of the Soviet Government.

3. Persons who cooperate with Communists, or defend or support them, or their organizations.

From the standpoint of practical statecraft and national self-preservation in a critical period when minor mistakes may have *major consequences, the fellow-traveler must be classified as an* unreliable element, whose employment will involve definite and undesirable risks. If the government would frankly state this as its attitude, it would serve to educate these individuals and discourage them from joining Communist organizations, thus ultimately lessening the number of cases for the government.

8. Regulations for Record Keeping

ALL AGENCIES should be instructed to draft efficient security regulations dealing with the safety of files, documents and information, and graduated but severe penalties should be provided for violations of these regulations. These regulations should be standardized, as far as possible.

9. Proof of Identity

ALL EMPLOYEES of the government should be fingerprinted and photographed. Loyal employees will not object, especially if the government frankly explains its purpose. This will make it possible to carry through a thorough screening of all employees including those who were hurriedly employed without investigation during the last war. Undoubtedly there are some employees with criminal and subversive records which would thus be disclosed.

Subversive elements should not be allowed to protect themselves from exposure by hiding behind the claim that the photographing of applicants and present employees would open the way to racial and other discriminatory practices. Proper safeguards should be provided against such practices with the cooperation of loyal representatives of minority groups.

10. Civil Service Application Form

THE PRESENT Civil Service application form, No. 57, should be amplified in order to include necessary information such as: father's and mother's name, date of naturalization, place, etc., former addresses, use of other names, foreign residence and employment by a foreign power, etc. All applicants should be required to sign a record search release enabling investigating agencies to examine draft or other pertinent records.

11. False Information

ANY EMPLOYEE who *at any time* has falsified his record as far as a material matter is concerned and with clear intent to deceive the government or its appointing officers, should be discharged and prosecuted wherever possible.

12. Uniform Standards for all Agencies

PERSONS ousted from one agency on disloyalty grounds, should be barred from reemployment by another agency. Persons who have resigned while under investigation, should be released under prejudice and rated unfavorably for further employment.

13. Executive and Congressional Committee Staffs

A LOYALTY CHECKUP on persons appointed to executive office is a highly delicate matter. Nevertheless the problem must be tackled, possibly by a special agency selected for the purpose. Those whose records are clear will raise no objection to what every loyal citizen will look upon as a necessary precaution. Persons in high executive posts whose loyalty is questionable can do considerably greater damage than those in inferior positions. Oftentimes an appointment is proposed on the spur of the moment at a staff meeting, on the basis of personal friendship and no further checkup is made. It is well known that Communists and their supporters have insinuated themselves into both major political parties for the express purpose of thus securing posts of political power. A case in point is the recent Presidential appointment to the key post of legal advisor to Lieutenant General Lucius Clay, head of the American Occupation Zone in Germany, of an individual whose loyalty record with the Government has been questioned.

All Congressional Committee staffs should be subject to standard investigative procedure since Congressional Committees play an important part in shaping our domestic and foreign policy. Employment should be barred to those barred in other services. It should be noted that Congressional Committees are in a position to gain access to strategically important information. In the past such information has been made available to the Communist press. Members of the House and Senate have neither the training nor the facilities to conduct loyalty investigations.

14. Communist Patronage Channels

AS LOYALTY and security investigations become intensified, every effort should be made to discover common sources of unsatisfactory

appointments. In this way, the Communist patronage machine would be uncovered and its future operations stifled. Furthermore, a full knowledge of the pattern of appointments might uncover dangerous individuals who might otherwise remain undiscovered. Thus, espionage agents are instructed to avoid public affiliation with the Communist Party and its controlled groups. They would refrain from discussions which might reveal their convictions. Their sole purpose would be to obtain information, not to influence policy directly. Activities of this type were uncovered in the Canadian espionage inquiry. Similar agents in the United States could be uncovered when their pattern of appointment is identical with that of questionable officials.

Promptly when the present loopholes are plugged and danger points are discovered by the government, the purposeful Communists and their sympathizers will alter their tactics appropriately. For this reason, only continuous wide-awake vigilance on the part of our security officials will solve this and other problems.

15. Wise Economy

ECONOMY MEASURES in government, however desirable in themselves, should not interfere with security measures. All economy measures must be so drawn as to safeguard loyalty and security investigations in the departments and in the armed services. The Civil Service Commission should be reorganized and strengthened, or supplemented by an autonomous central security agency, so that an adequate staff can be maintained, possibly drawn from existing personnel. Competent former employees should be recalled when possible if the staff requires augmentation. Likewise, the Federal Bureau of Investigation should be strengthened and permitted a salary scale sufficient to retain experienced and loyal employees.

16. Education

FOR THE CREATION of a sound public opinion that will understand and approve these efforts, a nationwide campaign of education is necessary through the press, radio and the schools. In the past government agencies have allowed themselves to be pressured by publicity campaigns in the left wing press falsifying the issues involved. This will be obviated by an intelligent and informed public opinion, the building of which is an organic part of any security program.*

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* See, for example, *Communism in Action*, Government Printing Office, Washington, D. C. 1946, 25c.

17. Advisory Board

THE CIVIL SERVICE COMMISSION should be assisted by an Advisory Board consisting of responsible and loyal representatives of labor, business and the legal profession. Pressure groups should be directed to present their appeals to this advisory board. The Civil Service Commission should not be subject to direct pressure from highly articulate Communist-inspired groups. An insignificant minority of members of Congress is in sympathy with these groups. These individuals must not be in a position to exert direct pressure on the Civil Service Commission in order to influence its decisions in loyalty cases, as has happened in the past.

Members of Congress should be directed to make their complaints to the proper committee of Congress, either the Civil Service Committee or the Committee on Un-American Activities.

Conclusion

THE FOREGOING RECOMMENDATIONS have been made in some detail in order to indicate the type of approach which we think is desirable. We believe all suggestions merit consideration. Since we may have not covered the entire ground, we hasten to urge that additional suggestions be brought to the attention of Congress.

APPENDIX II

The Supreme Court and the Issue of Communism

THE SUPREME COURT DECISION of June, 1943, in the case of William Schneiderman, a Communist organizer, has not only furnished the basis for the action of the War Department in permitting the commissioning of Communists in the armed forces but it has dealt a severe blow to the legal bases for action against them by the Civil Service Commission, the Department of Justice and other agencies of the government. Unfortunately the Court's decisions still stand in the face of the fact that both the Soviet Government and its satellite organization, the Communist Party, USA, have long since repudiated publicly the ideas of friendship and cooperation for the United States, which they promulgated during the period of the wartime alliance.

Stalin's book, *Problems of Leninism,* now on sale at all Communist book shops, declares:

> It is inconceivable that the Soviet Republic should continue to exist for a long period side by side with imperialist states—ultimately one or the other must conquer.

The authoritative Eugene Varga, Soviet economist and adviser to the Central Committee of the Russian Communist Party, has declared:

> The fact that the Soviet Union and the highly developed capitalist countries fought in the same camp against the Fascist aggressors did not signify that the struggle between the two systems had slowed down and stopped; it did not even signify the beginning of the end of this struggle.*

We have permitted those whose primary loyalty leans toward the Soviet Government to penetrate into the very vitals of our own government at a time when the Soviet Union and the still-active Communist International of Communist Parties have declared and demonstrated throughout the world their hostility to the United States. Hardly a day passes without an official Soviet broadcast or editorial attacking our government and country; American foreign and economic policy is being opposed by Soviet representatives in every part of the globe. American soldiers have been imprisoned and

* *New York Times,* September 8, 1946, p. 30.

even shot by Soviet or Communist military forces. The Communist press is conducting a continuous assault upon American "imperialism." Communist-controlled unions have launched a number of industrial and political strikes, for the primary purpose of promoting civil strife. Communist leaders have sought to provoke rebellion in our armed forces. Can we—dare we—at this critical juncture, fail to remedy with all speed, the suicidal mistake of permitting pro-Soviet persons to penetrate our government which we made in a spirit of blind and overweening faith in the good intentions of Marshal Stalin and his American satellites?

Public officials have admitted the gravity of the present danger. Referring to the activities of American Communists, in a speech before the Chicago Bar Association on June 21, 1946, Attorney General Tom C. Clark declared:

> We know that there is a national and international conspiracy to divide our people, to discredit our institutions, and to bring about disrespect for our government . . . they seek . . . to create strikes and dissensions, and to raise barriers to efforts to maintain civil peace.

Nevertheless the following excerpt from the Supreme Court opinion remains in force to hamstring effective action by all federal agencies:

> Under our traditions beliefs are personal and not a matter of mere association, and that men in adhering to a political party or other organization notoriously do not subscribe unqualifiedly to all of its platforms and assorted principles.

The Court here fails to differentiate between a monolithic, disciplined, political group like the Communist Party, from which all dissidents are expelled (witness the case of Earl Browder, Ruth McKinney, and others) and the traditional American political party which may include innumerable shades of clashing opinions.

The Court further leaves it as a matter of doubt that the petitioner, an avowed Communist "was not in fact attached to the principles of the Constitution and well disposed to the good order and happiness of the United States." Belief in the dictatorship of the proletariat, the Court finds not "necessarily incompatible with the 'general political philosophy' of the Constitution." The Court holds that it is possible to advocate the fundamental teachings of the Communist Party "and still be attached to the Constitution." Further to confuse the entire picture, the Court declares that it has never passed upon the question whether the Party does so advocate (governmental overthrow by force and violence.)

By its ruling the Court has practically invalidated the provisions of the Hatch Act relating to the Communist Party. It has super-

seded the opinion of Attorney General Francis Biddle in the case of Harry Bridges, on May 28, 1942, which declared:

> That the Communist Party of the United States of America, from the time of its inception to the present time, is an organization that writes, circulates, distributes, prints, publishes, and displays printed matter advising, advocating, or teaching the overthrow by force and violence of the government of the United States.

The decision makes it practically impossible to remove a Communist employee directly because of his membership in the party. It compels the government to resort to subterfuge and indirection, if it does not destroy the will to do anything about the problem at all. An examination of Ambassador Bullitt's *The Great Globe Itself*, (1946) should dispel all delusions on this matter.

APPENDIX III

The Civil Service Commission

THE INHERENT WEAKNESSES of our Civil Service machinery and its ineffectiveness in dealing with loyalty cases, are brought out to some extent by the Report of the Subcommittee of the House Civil Service Committee formerly headed by the Honorable J. M. Coombs, of Texas. (*Congressional Record* of July 20, 1946.) First there is our utter lack of experience in this field; "prior to 1939 the various agencies and departments of the government did not make inquiry into the question of loyalty." The Civil Service Commission felt that it "could not legally inquire into any question concerning the political opinions of any applicant for employment."

Beginning with the fiscal year 1942, Congress added to all appropriation bills a provision providing that no part of any appropriation shall be used to pay the salary or wages of any person who advocates or who is a member of an organization which advocates the overthrow of the government by force or violence. Despite the assurance by the Committee that the Civil Service Commission "found no difficulty in holding persons that actively associated with groups or organizations whose primary loyalty was to the Nazi, Fascist, or Japanese Government or who were members of the Communist Party were persons who came within these prohibitions," there have been comparatively few eliminations on grounds of Communist affiliations. The Committee therefore recommended that "The reason for comparatively few decisions of eligibility on loyalty grounds resulting in the actual removal of employees from government service should be given study."

The weakness of the Civil Service Commission's position is further disclosed in the Committee's Report which states:

> The power of the Civil Service Commission applied only to applicants for a position or persons appointed subject to investigation. It did not include those employees whose initial employment to the federal services may have been approved in some instances years ago, and concerning whom some question is now raised.

In other words the Commission implies that a Communist who was previously blanketed into the service through the incompetence of the investigation or the lack of evidence, cannot be discharged by the Commission even though further evidence should come to light. Here the Commission conveniently passes the task to the head of the department or agency who "is the only person who can

effectuate removal." * It is scarcely conceivable that a department or agency head with the meager facilities at his disposal will take this initiative after the Commission has approved the applicant and without an Executive Order regarding such employees. Thus far no such general directive has been forthcoming. In fact the federal government has practically no standards of judgment on such matters and whatever few standards there are, vary from department to department and from executive to executive.

United Effort Vital

RECOGNIZING this confusion and duplication of effort the Committee recommended the consideration of a single agency with power to investigate the loyalty of government employees. It also held "that all proceedings for preferring charges against and removing disloyal employees should follow the same standards and rules of procedure and should be decided on the same legal principles." The Committee considered the question as to "whether a single standard of loyalty should be followed for all employees." The Committee admitted that "Congress had not thoroughly studied the problem or provided well-directed and adequate legislation."

In his minority report to the Committee, Congressman Edward H. Rees, added:

> There is no consistent or uniform policy among the agencies in federal government with respect to investigating and removing the employees who are known to be disloyal. In numerous cases persons rejected on loyalty grounds in one agency are accepted in another.

To demonstrate the looseness of Civil Service procedure, Congressman Rees (June 24, 1946) quoted from the decision in one case by Alfred Klein, Chief General Counsel, Civil Service Commission, as follows:

> If I had to express an opinion as to whether the applicant is a Communist, my reply would be in the affirmative. However, I am constrained to recommend that the applicant be rated eligible.**

One would suppose that in view of the complexity of the situation that the Commission would voluntarily appear before Congress to demand proper legislation to meet its difficulties. The Commission has only appeared when compelled to do so on this matter and on such occasions its attitude was purely defensive and apologetic rather than positive and constructive. Although it is the agency most closely confronted with the problem of loyalty investigations, the Commission has presented no overall and thoroughly worked out plan for legislation and procedure to meet this problem.

* See Myers v. U. S., 272 U. S. 50, 30, Op. Atty. Gen. 79, 83.

** Question: Why was he "constrained"?

Laxity in Investigations

COMMENTING on investigations of complaints made against several thousand permanent employees, by order of the Attorney General in October 1941, the House Committee adds: "The reports of the Federal Bureau of Investigation contained no recommendation." In other words the FBI which is most elaborately equipped for investigatory work and for the compilation of evidence, has no power to remove or even recommend the removal of an employee shown by their records to be subversive. Should the FBI become aware of the subversive record of any given individual department employee, it cannot even take the initiative of bringing this record to the attention of the department concerned.

A perfect evasive technique has been developed in so-called investigations conducted from time to time. Inter-departmental committees present a maze of statistics affording no opportunity for a name by name checkup of the findings in each case. The same technique was employed by the Department of State during the summer of 1946 in replying to charges made by various Congressmen, although there is reason to believe that the situation has improved somewhat. Minority Committee Member Rees reported (July 20, 1946) that:

> Although an array of statistics was presented to the subcommittee by the Civil Service Commission, the fact remains that comparatively few decisions of ineligibility on loyalty grounds have resulted in the actual removal of employees from government employment by the Commission.

The Civil Service Commission's assurances that it has the problem of loyalty cases well in hand, are vitiated by its disclosures of the budgetary figures for 1947, in the Committee Report:

> The Civil Service Commission appropriation for the fiscal year 1947 will make it possible to maintain only approximately 100 investigators. Many of these investigators will be busy in conducting postmaster investigations, . . . investigations under section 14 of the Veterans' Preference Act of 1944, and investigations growing out of alleged violations of civil-service rules.
>
> The Civil Service Commission estimates that it will be possible to make only 1,400 character and suitability investigations during this fiscal year.
>
> At the same time the Commission estimates that during the present fiscal year approximately 790,000 placements will be made in the federal service.*

In view of the current practice under which an employee rejected on loyalty grounds by one agency may procure employment in an-

* *Congressional Record*, July 20, 1946, p. 9729.

other agency, through the potency of the Communist patronage apparatus the Committee recommended that:

> Techniques and procedures must be devised that will not permit persons rejected by one agency on loyalty grounds from being accepted in another.

Budget Bureau Restrictions

IT IS worthy of note that the Bureau of the Budget, according to the Committee Report, has been unwilling to approve adequate funds. Budget Bureau officials, George F. Schwarzwalder and Weldon Cooper, will be remembered as having been strangely active some years ago in urging the liquidation of "subversive files" in the Army, the Navy and Civil Service. Subversive files, according to Schwarzwalder, "should have a lean and hungry look." He is also credited with having written the Executive Order which blanketed thousands of OWI and OSS employees into the State Department and did more than any single act to change the complexion of this Department.

Congressman Karl E. Mundt, a member of the House Committee on Un-American Activities, has called attention to the role of the Budget Bureau in sabotaging the investigative arm of the government in a speech on the House floor (July 18, 1946). He declared:

> Both agencies (Civil Service Commission and Federal Bureau of Investigation) recognize the need for such investigations, both agencies view with acute alarm the steps which have been taken by the Budget Bureau to circumscribe their powers of investigation, their warnings that they cannot be expected to safeguard America against the employment of undesirables on the public payrolls under prevailing circumstances.
>
> Mr. Speaker, here is the record of the sordid story showing how under the false guise of economy, the preemployment investigation services of our government have been almost destroyed in so far as the Civil Service Commission is concerned and how they have been hopelessly crippled in so far as the Federal Bureau of Investigation is concerned.

In the course of this discussion Congressman Fred Bradley of Michigan gave some added information to indicate the political bias of persons in the Bureau of the Budget. He called attention to the fact that the then Acting Director of the Bureau, Paul Appleby, once stated over his own signature that:

> A man in the employ of the government has just as much right to be a member of the Communist Party as he has to be a member of the Democratic or Republican Party.

Congressman Mundt then demanded "an investigation to determine who it was in the Bureau of the Budget who brought about this almost complete scuttling of the investigative service."

Hesitancy and Delay

IN HIS minority statement, Mr. Rees further charged that:

> The Civil Service Commission is responsible for permitting hundreds of employees to remain on the payroll for long periods of time after their loyalties have been challenged. . . . In numerous instances the Civil Service Commission has held loyalty cases in abeyance for many months, and in some cases 2, 3, or 4 years, before final decisions are made. . . . In a number of cases, employees have been placed on the payroll subject to investigation when at the time they were employed there was reason to believe there was grave question with regard to loyalty. A number of them are in federal employment now.

The evident hesitancy of the Commission and other government agencies in arriving at definite decisions in individual cases and in deciding upon rules and standards must be ascribed in part to what Congressman Rees has called its "susceptibility and too much attention given to outside influences." The Commission was keenly sensitive to denunciation by PM, THE NATION, THE NEW REPUBLIC and such Communist front organizations as the National Federation for Constitutional Liberties, the Washington Committee for Democratic Action, the Civil Rights Congress, Communist-controlled unions like the United Federal Workers (now the United Public Workers) as well as certain leftist Congressmen who rallied to the defense of those charged with subversive activities. Such pressure has at times resulted in the reversal of Commission decisions. In one instance an individual now occupying an important position on the Allied Control Council in Germany, who has a most questionable loyalty record, was reinstated as a result of his mobilization of a number of friends and associates with records equally questionable. The secretary of a Congressman with strong leftist leanings and support once threatened the Civil Service Commission with dire consequences unless it reversed its decision in a certain case involving charges of disloyalty.

The Problem of Legal Proof

THE FAILURE to act decisively in loyalty cases has been defended by certain government officials on the ground that complete legal proof is lacking. Some, moved no doubt by liberal legalistic but naive considerations, have demanded that the accused be confronted by those testifying against him, be permitted to have access to all testimony and that standard judicial procedure be strictly adhered to. Those who make such demands are apparently not aware of the conspiratorial and terrorist nature of the Communist Party, nor of the degree of its penetration of government agencies.

The Committee Report held with the Commission:

> that it would not be administratively feasible to endeavor to apply standard judicial procedure to a consideration of loyalty cases. Unless it is possible to obtain information under a pledge that the source of information will not be divulged, the government will not be given adequate protection.

A letter from R. P. Bonham, San Francisco, District Director of Immigration for the Department of Labor, to Edward J. Shaughnessy, Assistant Commissioner of Immigration, dated September 23, 1937, relating to the case of Harry Bridges, indicates the hazards facing patriotic citizens who dare to testify against the Communists. The letter says in part:

> When I interviewed Mr. Bridges some time ago on another matter, he boasted that he had seen the central office's file relating to himself, and also that, "They" had an excellent intelligence organization of their own that kept them well informed of what was going on. Several of the witnesses in behalf of the government are fearful of their lives, if ahead of the hearing the fact of their having testified becomes known to . . . Communists . . . and may I not, in order that their lives may not be unduly endangered, adjure the central office and the Department to observe the greatest precautions to safeguard this record.

In 1941 Mr. Earl Warren, present Governor of California, at that time Attorney General of that State, commenting on the famous King, Conner, Ramsey case, described the ruthless vengeance of the Communists against those who venture to oppose them. King, Conner and Ramsey were leaders of the Communist faction of the Marine Firemen, Oilers, Watertenders and Wipers Union, AFL. George W. Alberts, a chief engineer and member of the union, was emphatic in his opposition to the Communists. According to Attorney General Warren:

> These men (King, Conner and Ramsey) initiated the brutal murder of a law-abiding citizen without provocation and while he was peaceably engaged in earning a living for his wife and three babies. They didn't give him a chance for his life. He was beaten with blunt instruments and hacked with knives until he was dead in his own living quarters on the Steamship Point Lobos where the assassins laid in wait for him. King, Ramsey and Conner were fairly convicted by a jury.

Mr. Warren further declared that several labor union men who disagreed with King and his crowd, disappeared and were never found. Some were found, one or two weeks later, floating in San Francisco Bay. One man was found floating in the bay, wrapped up and manacled in a chain.

In the face of this type of unscrupulous conspiracy, the government cannot expect any type of cooperation if it does not supply at

least certain elementary safeguards of secrecy and protection for its informants.

Where the government seeks to oust an employee on loyalty grounds, it is not attempting to deprive the individual of any constitutional right to life, liberty and property. It is simply carrying out its responsibility to safeguard our national security. Hence nonadherence to formal court practice is entirely legitimate. The Courts have upheld the Public Contracts Act (Walsh-Healy Act) which permits the government to set its own standards. A similar philosophy should apply to federal employees.

In order to make this attitude clearly understood the government should inform the applicant *in advance* that employment will be denied in the event of evidence of outright disloyalty or doubtful loyalty. The applicant should sign a statement of his understanding of this fact.

Instructions to Investigators

IN 1943 the United Federal Workers Union by its own admission was responsible for the formulation of instructions to Civil Service investigators which practically torpedoed investigations and shattered morale.* These instructions should be rescinded.

The instructions issued by the Civil Service Commission to its investigators on November 3, 1943, under the avowed pressure of the Communist-controlled United Federal Workers, and presumably these instructions are still in force, show certain fundamental misconceptions regarding such organizations.

1. Investigators are prohibited from asking any question of an applicant or a witness "involving union membership, union associations, or union activities," thus automatically closing the doors to a fruitful source of information. A Communist-controlled union is not a bona fide union. Abundant testimony before the Special Committee on Un-American Activities by former Communists shows these organizations as intended primarily for espionage purposes. (See Appendix V.)

Alleged labor activities of these organizations are purely incidental serving as camouflage for the most important aim of advancing the interests of the Soviet Union, to which the real interests of labor are invariably subordinated. A knowledge of the activities of a pro-Communist applicant within his union is invaluable in disclosing his pattern of behavior, since union activity has first priority among Communists. Loyal labor union officials will readily cooperate to aid the government. The best safeguard against an anti-labor line on the part of investigators, is the formulation of proper standards determined jointly by government loyalty investi-

* *Congressional Record*, Dec. 2, 1943, p. 10359.

gating agencies and loyal representatives of the organized labor movement through a Labor Advisory Board.

2. Investigators are prohibited from asking questions regarding activities connected with Loyalist Spain, the Abraham Lincoln Brigade and the numerous so-called "relief" organizations built up in support of these efforts, as not "having any bearing on pro-Communism." This instruction was issued in spite of the open declarations by international and American Communist spokesmen emphasizing the importance of support for the Spanish Loyalist cause and the organizations involved therein. George Dimitroff, Chairman of the Communist International, announced in 1937 for the Communist Parties of the world: "The most urgent, though of these tasks, the very first at the moment, is that of organizing international aid to the Spanish people for their victory over Fascism." Earl Browder, then General Secretary of the Communist Party, declared:

> It is the duty of every American worker and every progressive to help the Spanish people defeat the Fascist invasion. . . . Collect all the money possible in your organizations and among your friends to buy munitions, food and clothing for the defenders of Spanish democracy.

Numerous liberal-minded individuals, such as Norman Thomas, in sympathy with the struggle against Fascism in Spain, have testified as to the real nature of these organizations which were set up in response to the Communist appeals. Mr. Browder has boasted that "over sixty per cent of the Lincoln Battalion members were members of the Communist Party." As late as September 20, 1946, (p. 5) the (Communist) *Daily Worker* announced that:

> Communist veteran leaders yesterday appealed to all Communist and progressive veterans of World War II to participate in the memorial service and parade which will precede the opening of the first post-war convention of the Veterans of the Abraham Lincoln Brigade.

According to General Walter Krivitzky, former Chief of Intelligence in the Soviet Secret Service, the object of these efforts was "to include Spain in the sphere of the Kremlin's influence." Support of such campaigns or organizations should therefore be properly included in establishing the candidate's pattern of behavior, although this one item, were it to stand alone, might not establish definite Communist allegiance.

Communist Indoctrination

3. CIVIL SERVICE investigators are instructed not to ask "any question about membership in the Washington Bookshop or any bookshop in any city similar to the Washington Bookshop." They are not to ask any question, "regarding the type of reading matter read by the applicant. This includes especially the *Daily Worker*

and all radical . . . publications." The Commission advises investigators to "remember that the mere fact that a person reads a certain publication is no indication that he believes in the principles advocated by such publication."

The Washington Bookshop has been identified by Attorney General Biddle as a Communist book shop. It is known as the official outlet for Communist literature in Washington.

Those acquainted with Communist practice know that Communist Party members are instructed to read the *Daily Worker* and other party literature assiduously for current directives on the party line. From time to time the *Daily Worker* has announced such instructions. Communist Party organs and literature constitute the indispensable pipe lines of communication between Communist headquarters and members spread throughout the country. To say that such reading "is no indication" of the applicant's beliefs is to display an abysmal ignorance of the methods of the Communist Party.

The Civil Service Commission has also displayed a lack of appreciation of the importance of indoctrination, resulting from the reading of Communist literature, in the recruitment of converts for the Communist espionage apparatus. These zealots generally are not motivated by any desire for monetary gain. Their motivation is largely ideological. The Report of the Canadian Royal Commission describes such indoctrination through study groups, as follows:

> The curriculum includes the study of political and philosophic works, . . . selected to develop in the students an essential critical attitude toward Western democratic society. . . . But this curriculum would appear in reality to be designed not to promote social reform where it might be required, but to weaken the loyalty of the group member towards his or her own society as such. Linked with these studies at all stages, moreover, goes an organized indoctrination calculated to create in the mind of the study-group member an essentially uncritical acceptance at its face value of the propaganda of a foreign state. Accordingly the study-groups are encouraged to subscribe to Communist books and periodicals . . . The indoctrination courses . . . are apparently calculated not only to inculcate a high degree of "loyalty to the Party" and "obedience to the Party," but to instill in the mind of the adherent the view that loyalty and obedience to the leadership of this organization takes precedence over his loyalty to Canada, entitles him to disregard his oaths of allegiance and secrecy, and thus destroys his integrity as a citizen. (Pp. 73-75.)

Let us, by way of example, quote from the pro-Communist (leak and scandal) sheet, *In Fact*, sold in the Washington Bookshop and other similar book shops throughout the country. The following is quoted from its issue of January 21, 1946:

> Although the Benton (William Benton, Assistant Secretary of State) directives are marked "secret" and "confidential"

there are hundreds of State Department employees, the majority from the OWI and OIAA (the former Rockefeller agency), who subscribe to the belief that they are American citizens first and State Department employees second. Unless the State Department sets up a U. S. Gestapo to intimidate its employees into silence, the "secret" and "confidential" directives *will continue to reach the light.* (Italics supplied.)

Is this not an open invitation to federal employees to violate State Department secrecy? And yet, according to the Civil Service Commission instruction, it is of no consequence if an employee reads such a paper!

While it is true that in certain cases, anti-Communists interested in following up Communist activities, may read Communist literature, this purpose will be made clear by the individual's pattern of behavior. Where the reading of Communist literature coincides with pro-Communist activity, there is established a convincing pattern of either a Communist or a fellow traveller.

Indirect Connections

4. NO QUESTIONS are permitted concerning the applicant's family. The Commission evidently does not understand that even personal relations of its members are strictly scrutinized by the Communist Party. Its 1938 Constitution declared that "No Party member shall have personal or political relationship with . . . known enemies of the Party and of the working class." Numerous accounts of Soviet purges have indicated that members of the family of those purged are subjected to suspicion and persecution.* A Communist who associated with an anti-party individual would be under immediate suspicion. Hence family and other associates are important, despite the Commission ruling.

5. QUESTIONS regarding membership in the National Lawyers Guild, the League of Women Shoppers or the Harry Bridges Defense Committee, are also barred. All of these organizations have been characterized as Communist front organizations by Congressional and federal agencies. They fulfill the qualifications we have outlined for such organizations, to the letter. Communist control of the National Lawyers Guild has been openly denounced by such prominent persons as A. A. Berle, Jr., Ferdinand Pecora, Robert Jackson, Frank P. Walsh and others. The League of Women Shoppers can be found supporting any number of Communist-inspired campaigns. The *Daily Worker,* itself, termed Harry Bridges a Communist, on March 13, 1943.

The instructions cited above have made a mockery of the Civil Service Commission loyalty investigations.

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* See: *I CHOOSE FREEDOM* by Victor Kravchenko, or *I SPEAK FOR THE SILENT* by Tchernavin.

APPENDIX IV

The British Secrets Acts

THE LANGUAGE of the British Secrets Acts may be pertinent in tightening our espionage and security legislation. It is to be noted that Canada under these Acts was successful in prosecuting Communist espionage for the Soviet Union. On the contrary, the United States, whose scientific research and industrial effort were much more extensive than those of our smaller neighbor, did not prosecute a single important case of espionage for the Soviet Union.

The two sections which are most interesting are those dealing with unlawful acts against security measures, and those which define communication with agents of a foreign power. The security section includes the following:

> If any person for any purpose prejudicial to the safety or interests of the State . . .
>
> (b) makes any sketch, plan, model or note which is calculated to be or *might be* or is intended to be directly or indirectly useful to a foreign power; or
>
> (c) obtains, collects, records, or publishes, or communicates to any person any secret official code word, or pass word, or any sketch, plan, model, article, or note or other document of information which is calculated to be or *might be* or is intended to be directly or indirectly useful to a foreign power such person commits an offense under the Statute.*

The subsection dealing with foreign agents reads as follows:

> (4) (a) a person shall, unless he proves the contrary, be deemed to have been in communication with an agent of a foreign power if—
>
> (i) he has, either within or without Canada, visited the address of an agent of a foreign power or consorted or associated with such agent; or
>
> (ii) either within or without Canada, the name or address of, or any information regarding such an agent has been found in his possession, or has been supplied by him to any other person, or has been obtained by him from any other person;
>
> (b) the expression "an agent of a foreign power" includes any person who is or has been or is reasonably suspected of being or having been employed by a foreign power either directly or indirectly for the purpose of committing an act, either within or without Canada, prejudicial to the safety or interests of the State, or

* Section III, Subsection I.

who has or is reasonably suspected of having, either within or without Canada, committed, or attempted to commit, such an act in the interests of a foreign power . . . shall be guilty of an offense under this Act.

Section 9 provides further that:

> Any person who attempts to commit any offense under this Act, or incites or endeavors to persuade another person to commit an offense, or aids or abets and does any act preparatory to the commission of an offense under this Act shall be guilty of an offense under this Act and shall be liable to the same punishment, and to be proceeded against in the same manner, as if he had committed the offense.*

* Section III, Subsection IV.

APPENDIX V

United Public Workers of America (CIO)

THE United Public Workers of America resulted from a merger of the United Federal Workers of America and the State, County and Municipal Workers of America, in Atlantic City April 1946. The three organizations have been repeatedly characterized as Communist-controlled by authoritative sources which have specialized in the field of Civil Service.

Congressman Fred E. Busbey of Illinois declared on the floor of the House that:

> Although the United Federal Workers of America claims that it is a bona fide union seeking to advance the interests of Federal workers, it is actually an organization which has as its primary purpose the advancement of the policies and organizations supported by the Communist Party.*

In its Report of March 29, 1944, the Special Committee on Un-American Activities of the House of Representatives cited the United Federal Workers of America and the State, County, and Municipal Workers of America, as unions in which "Communist leadership is strongly entrenched."**

In the same Report the House Committee has characterized Abram Flaxer, the present head of the United Public Workers of America, and his former organization, the State, County, and Municipal Workers of America, as follows:

> Abram Flaxer, president of the State, County, and Municipal Workers of America, C.I.O., has been active in the affairs of the Communist Party as far back as 1936. Although he has never publicly avowed membership in the Communist Party, his allegiance is indisputably established by his presence at closed meetings of the Party, by the statements of those who have been closely associated with him in the labor movement, by his complete loyalty to the party line throughout its various changes, by his defense of Communists and Communist fronts, and by the standing established by his union as a Communist-controlled organization.***

Eleanor Nelson, present secretary-treasurer of the United Public Workers of America, and former secretary-treasurer of the United

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* *Congressional Record*, December 2, 1943, page 10359.

** House Report No. 1311, Report of the Special Committee on Un-American Activities, 78th Congress, 2nd Session, pages 18 and 19.

*** Ibid., page 108.

Federal Workers, has been characterized in the same Report as follows:

> Eleanor Nelson has been eulogized by the *Worker*, official Communist organ, of August 9, 1942, page 4, section 2, a mark of distinction reserved for those who possess the confidence of the Communist Party. The union headed by Miss Nelson claims a membership of over 15,000 in the War Department, Navy yards, Army bases, Federal arsenals, and numerous other agencies of the Government, and followed the Communist Party line cautiously but faithfully.*

John F. Cramer, Scripps-Howard Civil Service reporter, a member of the CIO American Newspaper Guild, has the following to say of the United Public Workers of America:

> On the record of its Atlantic City convention, UPWA is the kind of an outfit that holds that Russia, with its totalitarian, Communist government, can do no wrong.**

Jerry Klutz, Washington Post Civil Service reporter, who has always been sympathetic to government employee unions, summarized his article on the Atlantic City Convention of the United Public Workers in the following manner:

> But on the record at Atlantic City the union has had an extreme left-wing label pinned on it.***

The following is quoted from a letter sent by Civil Service Commission President Harry B. Mitchell to Arthur Stein, a leading official of the United Public Workers of America:

> The mere fact that a person attended a convention which declared that the Communistic Russian government was perfect in all that it did, while the Government of the United States was imperialistic in its designs on humanity, would not, standing alone, justify that the person was a Communist and consequently believed that force to overthrow the Government to which he normally owed allegiance was justified. However, such action is bound to arouse suspicion against the members, as it unquestionably did in the case of your organization.
>
> Its purpose in throwing an utterly uncalled-for proverbial red rag in the face of the American public, the employer of its members, is rather difficult to understand.****

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* House Report No. 1311, Report of the Special Committee on Un-American Activities, 78th Congress, 2nd Session, page 141.

** *Washington Daily News*, April 29, 1946, page 2.

*** *Washington Post*, May 2, 1946, page 1.

**** *Washington Times Herald*, May 22, 1946, pages 1 and 26.

The following is quoted from an article in *Plain Talk* for November 1946, page 31, by Ralph Toledano, a student of Falangist and Communist activities in Latin America:

> When the United Public Workers, whose flagrant pro-Soviet record is unsurpassed among the labor unions of America, suddenly launched a whirlwind drive last July to organize the government employes in the Panama Canal Zone, the question arose before the men in charge of our national defense: "Is Stalin's hand behind it?" . . . If Stalin has in the Canal Zone, too, his "secret battalion" for the "organization of catastrophe" . . . then he would be in a position to strike a deadly blow of sabotage at the jugular vein of our system of defense. Through such an operation he could paralyze our navy and immobilize our whole fleet of aircraft carriers in a moment of crisis. . . . When the *Washington Star* recently raised the question editorially "as to where the loyalties of the leaders of this union lie," it did so for the avowed reason that their activity in the Panama Canal Zone might "endanger the security of this country."

Charging that the United Public Workers of America, CIO, had failed to obey the mandate of CIO conventions to purge themselves of Communist influence, local union leaders in Pittsburgh announced withdrawal from the UPW.

Elmer A. C. Holland, president of Postoffice Local 253, said his union acted after receiving information that postal workers in Chicago, Detroit and Duluth had taken the same step a few hours previously.

E. J. Maloney, a local official and a railway mail clerk here for nine years, said:

"The postoffice workers do not want their loyalty to their Government questioned, and the communistic policies and tendencies of the United Public Workers has placed many of these employes in a misunderstood and sinister position."*

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DALLIN, DAVID J., *The Real Soviet Russia* (New Haven: Yale), 1944, $3.50. A careful analysis of Soviet totalitarianism. The author is exceptionally well-informed.

LYONS, EUGENE, *The Red Decade* (New York: Bobbs-Merrill), 1941, $3.00. The best study of American Communism and its tactics up to the period of the German invasion of Russia. While some of the details have changed in the interval, the broad outlines are most illuminating.

Human Events, Inc., *Blueprint for World Conquest* (Chicago), 1946, $3.50. A reprint of the documents pertaining to Comintern programs in 1921 and 1928. While some of the strategy has changed in the meantime, this is nonetheless remarkable for the insight it gives into this international conspiracy.

The Report of the Royal Commission (To Investigate Disclosures of Secret and Confidential Information to Unauthorized Persons) (Ottawa: King's Printer), June, 1946, $1.00. A practical illustration of the working of the Comintern in Canada. Fascinating in its details.

MOORAD, GEORGE, *Behind the Iron Curtain* (Philadelphia: Fireside Press, Inc.), 1946, $3.00. Forthright account of experiences of a newspaper man and radio commentator in the countries behind the iron curtain.

MARTIN, DAVID, *Ally Betrayed,* (New York: Prentice-Hall, Inc.), 1946, $3.50. An account of the methods by which our foreign policy was manipulated to further the interests of a Soviet puppet state.

PERIODICALS AND PAMPHLETS **

Plain Talk (240 Madison Avenue, New York 16), Monthly, $3.00 per year. A new publication under competent editorial direction. Deals primarily in exposing Communist activities at home and abroad.

The New Leader (7 East 15th Street, New York 3), Weekly, $3.00 per year. A social Democrat publication which to date has built an excellent record for opposing totalitarianism although favoring so-called democratic socialism.

* To be obtained from a bookstore or directly from the publisher.

** To be ordered directly from the publisher.

Review of World Affairs (J. M. Dent, Toronto), Monthly $10.00 per year. The finest news letter on world Communism. Reputed to have access to one of the world's best intelligence files on the subject.

The Communist in Labor Relations Today (Research Institute of America, New York). 1946 (available on request to the Institute). A sane study of Communism in the American labor movement. Analysis highly accurate and recommendations valuable.

The Communist Fifth Column (*Chicago Journal of Commerce*, Chicago), 10¢. In many ways the most daring series of articles on Communism ever published here. The author gives names of individuals and organizations. Accurate. A valuable reference work on names of front groups.

Communist Infiltration in the United States (Washington: Chamber of Commerce of USA), 1946, deluxe and small editions 25¢ and 10¢. A Congressional Committee states: "Great credit should be given to the United States Chamber of Commerce for the fact that it issued a highly readable and factual treatise. . . . Local chambers of commerce, individual businessmen, patriotic organizations, fraternal groups, and our churches can render a real public service at slight expense by making available to all students in high schools and colleges and to citizens generally the highly informative treatment on Communism now available from the United States Chamber of Commerce."

Communists Within the Labor Movement (Washington: Chamber of Commerce of USA), 1947, 50¢. A handbook designed for the use of industrial relations director and the anti-Communist labor union official. "The best guide available", writes a labor expert.

Communism: A World Menace by John F. Cronin (Washington: National Catholic Welfare Conference), 1947, 10¢. Brief, though comprehensive analysis of the objectives and methods of Communists; suggests countermeasures and contains guides for study groups.

Communist Power in Industry by Andrew Avery (Chicago: *Chicago Journal of Commerce*). A new series of daring articles, commencing January 1947, names and organizations listed and analysed. Highly valuable. Available in pamphlet form, 15¢.

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1946-1947

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